IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20338 of 2007(U)

PETITIONER:

SIMON K.FRANCIS, KUTTIKADAN HOUSE,
THOTTATHIL LANE, FATHIMA NAGAR,
THRISSUR-5.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

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1. THE SUPERINTENDENT OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
KARTHRIKKADAVU, ERNAKULAM, KOCHI.

2. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

3. PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.S.SREEKUMAR, SC FOR CBI
GOVERNMENT PLEADER ADV.SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

WP(C).No. 20338 of 2007(U)

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE JUDGMENT OF THIS COURT IN WP.C.NO.19757/2005 DATED 15.7.2005.

EXT.P2: TRUE COPY OF THE COMMON JUDGMENT OF THIS COURT IN W.A.NOS.1838/05 AND 1819/05 DATED 7.9.2005.

EXT.P3: TRUE COPY OF THE JUDGMENT OF THIS COURT IN W.P.C.NO.19757/05 DATED 24.2.06.

EXT.P4: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.A.NO.482/06 DATED 26.9.06.

/TRUE COPY/

P.A.TO JUDGE

R.BASANT, J

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W.P.(C). No.20338 Of 2007

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Dated this the 6th day of July, 2007

JUDGMENT

The learned Standing Counsel for the CBI submits that the investigation is complete. The final report is ready and the CBI is only waiting for securing sanction under Section 19 of the P.C Act for prosecuting the accused from the Government. As soon as orders are passed by the Government in the matter, necessary further steps shall be taken, submits the learned Standing Counsel .

2. The learned counsel for the petitioner submits that the Government may be directed to take appropriate steps. No such direction appears to be necessary at this stage as admittedly request for sanction has gone to the Government only after 25.05.07. The Government should certainly apply its mind and pass orders. No directions are necessary now. In the result, this petition is dismissed after taking note of and recording the submission of the learned Standing Counsel for the CBI. I make it clear that this order does not fetter the right of the petitioner to take appropriate action if orders on the application for sanction is not passed within 3 months from 25.05.07.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE